

ENTERED

May 10, 2019

David J. Bradley, Clerk

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

DEXTER JOHNSON,

Petitioner,
VS.

LORIE DAVIS,

Respondent.

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CIVIL ACTION NO. 4:11-CV-2466

ORDER

In 2010, this Court appointed Patrick F. McCann to represent Texas death-row inmate Dexter Johnson. After the State of Texas set an execution date, the Court appointed Jeremy Schepers of the Office of the Federal Defender, Northern District of Texas as co-counsel. (Docket Entry No. 70). On April 30, 2019, the Court stayed Johnson's execution. (Docket Entry No. 84). At that time, two motions were pending: a motion to terminate Mr. McCann's appointment (Docket Entry No. 76) and a motion filed by Mr. McCann seeking permission to proceed ex parte in requests for funds (Docket Entry No. 75). The Court set a hearing for June 20, 2019, to address the pending motions.


On May 2, 2019, Mr. McCann filed a motion to withdraw as counsel of record. (Docket Entry No. 89). The Court **GRANTS** the motion. Mr. McCann will be removed as counsel of record. The Court expresses appreciation for Mr. McCann's appointed legal representation in this case.

Mr. Schepers has informed the Court that his office has "the requisite knowledge, skill, and experience to effectively represent Mr. Johnson in both state and federal court." (Docket Entry No. 76 at 38). Mr. Schepers and the Office of the Federal Defender will continue representing Johnson as counsel of record.

With Mr. McCann's withdrawal, the Court **DENIES AS MOOT** the pending motion to terminate his representation. (Docket Entry No. 76). The Court **DENIES WITHOUT PREJUDICE** the pending motion to proceed ex parte in funding requests. (Docket Entry No. 75). The Court **TERMINATES** the June 20, 2019, setting.

The Clerk will provide copies of this Order to the parties.

SIGNED on **MAY 09 2019**, at Houston, Texas.



ALFRED H. BENNETT
UNITED STATES DISTRICT JUDGE